

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

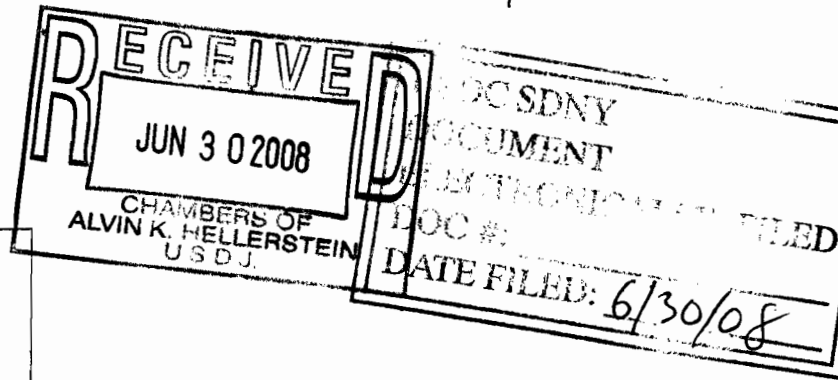
ANDERSON KILL & OLICK, P.C.,

Plaintiff,

- against -

BRAY & GILLESPIE, INC.; BRAY &
GILLESPIE MANAGEMENT, LLC;
CHARLES A. BRAY and JOSEPH
GILLESPIE,

Defendants.



1:08-CV-4565 (AKH)(RLE)

STIPULATION AND ORDER

WHEREAS on June 5, 2008, defendants served and filed a motion to dismiss this action pursuant to Rules 9(b) and 12(b)(6) and a separate motion to dismiss this action for lack of personal jurisdiction and improper venue or, in the alternative, to transfer venue to the Middle District of Florida (collectively "Defendants' Motions to Dismiss"), and

WHEREAS plaintiff has informed defendants that it intends to cross-move for partial summary judgment, and

WHEREAS the parties previously agreed that plaintiff's papers in response to Defendants' Motions to Dismiss would be served and filed on June 23, 2008 and that defendants' reply papers would be due in accordance with the Federal Rules of Civil Procedure and the local rules of this Court ;

The parties through their respective counsel stipulate as follows:

1. Plaintiff will serve and file its papers in response to Defendants' Motions to Dismiss on or before June 30, 2008.

2. Defendants will serve and file their reply papers relating to Defendants' Motions to Dismiss on or before July 23, 2008.

3. Plaintiff has informed defendants that plaintiff intends to serve and file, on or before June 30, 2008, a cross-motion for partial summary judgment. In the event that plaintiff so cross-moves, counsel for the parties will consult and attempt to agree on a briefing schedule and, if defendants wish to engage in discovery, on the propriety, scope, and timing of discovery. If the parties agree, then they anticipate entering into a stipulation that may modify the dates contained herein. If the parties are unable to agree, they anticipate making a joint application to the Court for a conference to resolve the outstanding issues.

Alt
Dated: New York, New York
June 26, 2008

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*Attorneys for Defendants Bray & Gillespie,
Inc.; Bray & Gillespie Management, LLC;
Charles A. Bray; and Joseph Gillespie*

SO ORDERED:


USDJ

as revised.

6-30-08

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